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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,007	03/12/2004	Pentti Luoma	11001.129	7564

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EXAMINER

HUG, ERIC J

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/799,007	Applicant(s) LUOMA ET AL.	
	Examiner Eric Hug	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004 and 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8 and 11 is/are rejected.
- 7) ☒ Claim(s) 3-7,9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 4-7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wohrle (US 4,637,338). Wohrle discloses a doctoring apparatus for scraping excess coating off of a traveling web against a counter roller C. The elements of Figure 1 correspond to the claimed elements as follows:

Beam 5 corresponds to claimed beam 12.

Swivel bearing 2 and supporting bar 20 correspond to claimed shaft 15 and bearing 16.

Components of claimed support device 18:

Intermediate lever 11 corresponds to claimed swing arm 19.

Spindle lift mechanism 10 corresponds to claimed actuator 20.

Supporting arm 3 corresponds to claimed auxiliary arm 21.

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Trunnion 4 corresponds to claimed connection 22. Supporting arm 3 is connected to beam 5. The spindle lift mechanism 10 acts on the intermediate lever 11, which is fixed to swivel bearing 2. The intermediate lever acts eccentrically on supporting arm 3 through trunnion 4, thereby rotating the doctor beam 5 and doctor blade 6 mounted thereon. See also Figure 4 and column 6, lines 9-48. The counter roller C is shown in part in Fig. 2a.

The doctor apparatus of Wohrle lacks the claimed oscillator for moving the beam back and forth. However, the use of an oscillating device for moving a doctor blade back and forth longitudinally, thereby improving the performance of the doctoring, is known in the art as disclosed by Applicant. An oscillating device acts independently of the mechanism for positioning and pivoting the doctor beam and blade, therefore the inclusion of an oscillating device in Wohrle would not alter but rather improve the operation of the doctor apparatus disclosed therein.

2. Claims 1, 2, 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Halmschlager (US 5,868,841). Halmschlager discloses a doctor blade holder with a swiveling device for positioning the blade against a backing roll. The elements of the device correspond to the claimed elements as follows:

Beam 2 (Fig. 1) corresponds to claimed beam 12.

Drag bearing 21 corresponds to claimed bearing 16. It is assumed that beam 2 has a shaft which is in connection with drag bearing 21.

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Components of claimed support device 18:

Lever 4 corresponds to claimed swing arm 19.

Positioning device 14 corresponds to claimed actuator 20.

Supporting element 3/carrier arm 9 correspond to claimed auxiliary arm 21.

Swiveling device 24 corresponds to claimed connection 22.

The swiveling device contains linking point 22 and cylinder 26. Supporting element 3 having carrier arm 9 is located on the shaft between lever 4 (also on the shaft) and the end of the beam. Supporting element 3 is free to move radially relative to the beam and is connected to one end of the swiveling device 24. Lever 4 is fixed to the beam and thus moves/pivots with the beam. Lever 4 is connected to the other end of the swiveling device 24. When the positioning device is activated, the lever 4 rotates, thereby rotating the doctor beam 5 and doctor blade 30. Compare Figures 1 and 2. Swiveling device 24 extends, thus allowing the supporting element 3/carrier arm 9 to move relative to the rotating beam. These actions correspond to those of the claimed elements. See also column 6, line 63 to column 7, line 3.

The doctor apparatus of Halmschlager lacks the claimed oscillator for moving the beam back and forth. However, the use of an oscillating device for moving a doctor blade back and forth longitudinally, thereby improving the performance of the doctoring, is known in the art as disclosed by Applicant. An oscillating device acts independently of the mechanism for positioning and pivoting the doctor beam and blade, therefore the inclusion of an oscillating device in Halmschlager would not alter but rather improve the operation of the doctor apparatus disclosed therein.

Allowable Subject Matter

Claims 3, 9, and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 3 is allowable for arranging the actuator in the axial direction at the connection.

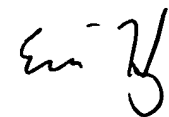
Claims 9 and 10 are allowable for having parallel swing axes for the swing arm and auxiliary arm.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



jeh